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PCT LEGAL ADMINISTRATION

ABELMAN, FRAYNE & SCHWAB  
666 Third Avenue  
New York NY 10017-5621

In re Application of  
KRUPA et al.  
Application No.: 10/589,089  
PCT No.: PCT/IL2006/000786  
International Filing Date: 06 July 2006  
Priority Date: 08 July 2005  
Attorney Docket No.: 207,775  
For: FLAT FOLDING HINGED ANTENNA

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: DECISION  
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This decision is in response to applicant's "PETITION TO WITHDRAW HOLDING OF ABANDONMENT (MPEP 711.03(c)I AND 37 CFR §1.181)" filed in the United States Patent and Trademark Office (USPTO) on 27 July 2011. No petition fee is required.

**BACKGROUND**

On 06 July 2006, applicant filed international application PCT/IL2006/000786, which designated the United States and claimed a priority date of 08 July 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 January 2008.

On 09 August 2006, applicants filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 01 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 07 February 2011, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond the NOTIFICATION OF MISSING REQUIREMENTS mailed 10 June 2009.

On 27 July 2011, applicants filed the instant petition under 37 CFR 1.181. The petition was accompanied by, *inter alia*, a copy of a declaration of the inventors and a USPTO date-stamped postcard receipt.

### **DISCUSSION**

Applicant has provided sufficient evidence to establish that on 10 June 2009 applicant filed a declaration of the inventors. The proof is in the form of the copy of the receipt for the above-identified application which bears a USPTO date stamp of 10 June 2009 and which itemizes an "Executed Dec. (2 pp.)" and identifies the above-captioned application number and attorney docket number. Further, practitioner states that the copy of the declaration filed 27 July 2011 is a copy of the declaration originally filed 10 June 2009. Therefore, in view of the date-stamped receipt and practitioner's statement, the declaration received on 27 July 2011 may properly be accepted as originally received in the USPTO on 10 June 2009. The NOTIFICATION OF ABANDONMENT mailed 07 February 2011 is hereby vacated.

The declaration filed 10 June 2009 is in compliance with 37 CFR 1.497(a)-(b).

### **CONCLUSION**

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTIFICATION OF ABANDONMENT mailed 07 February 2011 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision. (Additionally, the correspondence address for the instant application should be changed to ABELMAN, FRAYNE & SCHWAB, 666 THIRD AVENUE, NEW YORK, NY 10017-5621 (emphasis added only for contrasting with current correspondence address)).

/Daniel Stemmer/

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